REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-47 are pending in the application.

Claims 1-26 have been rejected.

Claim 27 has been withdrawn without prejudice or disclaimer. In making this withdrawal without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

Claims 28-47 have been added in this Amendment. Applicants respectfully assert that the new claims add no new matter.

Remarks to the Oath (Declaration)

In the Office Action, the Examiner objected to the oath (declaration) on the basis that "it does not state that the person making the oath of declaration believes the named inventor or inventors to be the first inventor or inventors of the subject matter...".

Applicants attach hereto a substitute Declaration. Accordingly Applicants request that the Examiner withdraw the objection.

Remarks to the Specification

In the Office Action, the Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. The specification was amended as required by the examiner. Applicants respectfully point out that the amendments to the specification are editorial in nature and do not introduce new matter. The matter added to the specification may be found in the claims as filed or elsewhere in the application as originally filed.

Remarks to Claim Language Suggestions

In the Office Action, the Examiner suggested changes to the claims' language. Applicants are grateful to the Examiner's attention to the claims and for the suggestions to the claims. Insofar as claims 1-27 have been cancelled without prejudice, Applicants respectfully submit that the Examiner's objections are moot. It is respectfully submitted that where appropriate, the Examiner's suggestions have been heeded.

Remarks to Claim Objections

In the Office Action, the Examiner objected to claims 1, 3, 5, 7-9, 11-12, 16, 22-24, 26 because of alleged informalities. These claims have been cancelled without prejudice, and the alleged informalities are not found in the new claims. Accordingly, Applicants respectfully submit that the Examiner's objections are moot.

CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 11-12 under 35 U.S.C. § 112, second paragraph. Insofar as these claims have been cancelled, the Examiner's rejection is moot.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1-3, 10 and 22 under 35 U.S.C. § 102(b), as being anticipated by US Patent No. 5,580,676 (Honda, et al.). Applicants respectfully assert that the Examiner's rejection is moot in light of the cancellation of the above claims. It is respectfully pointed out that Honda does not anticipate the new claims presently pending in the application.

First, Applicants respectfully note that the Honda reference does not disclose "at least one of said electrodes including an electrically conductive substrate and compressed particles of an electrode material on said substrate." Rather, the Honda reference teaches using standard electrodes.

Applicants respectfully note that the Honda reference does not show at least the means for applying pressure as recited in claim 28. Specifically, claim 28, as amended herein for purposes of clarification, calls for the cell to contain "means for applying substantially uniform pressure on said electrodes in a direction substantially perpendicular to said electrodes." Such means, as disclosed in the specification, may include, for example, a spring or spring-like element, or a swelling separator to exert pressure in a direction perpendicular to the plane of the electrodes. This means for applying pressure is nowhere to be found in the Honda reference. The Examiner's reference to the "battery enclosure itself" is insufficient to anticipate the claim element; no showing is made that the battery enclosure applies pressure on the electrodes, nor if such pressure is substantially uniform in a direction substantially perpendicular to said electrodes.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 3, 5-6, 8 and 11-12 under 35 U.S.C. § 103(a), as being unpatentable over Honda in view of various secondary references. Applicants respectfully assert that the Examiner's rejection is moot in light of the cancellation of the above claims. It is respectfully pointed out that the pending claims are not obvious in light of the cited prior art.

In any event, Applicants point out that none of the cited prior art, either alone or taken together teach "means for applying substantially uniform pressure on said electrodes in a direction substantially perpendicular to said electrodes." Such means, as disclosed in the specification, may include, for example, a spring or spring-like element, or a swelling separator to exert pressure in a direction perpendicular to the plane of the electrodes. This means for applying pressure is nowhere to be found in the Honda reference or in any of the secondary references.

Furthermore, in connection with the above, Applicants respectfully note that the Honda reference refers to standard electrodes and not "at least one of said electrodes including an electrically conductive substrate and compressed particles of an electrode material on said substrate." Accordingly, the Honda reference has no need for the means for applying pressure, as recited in the pending claims of the present application, inter alia, because the electrochemical cells of the Honda reference are not susceptible to being damaged by dentrites. Therefore, there is no motivation to modify the Honda reference to include means for applying pressure as recited in the pending claims.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 05-0649.

Respectfully submitted,

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